

HOUSE BILL REPORT

SSB 6229

As Reported By House Committee On:
Commerce & Labor

Title: An act relating to infant crib safety.

Brief Description: Enacting the infant crib safety act.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kohl, Pelz, Prentice, Fairley, Thibaudeau, Wojahn, Franklin and Quigley).

Brief History:

Committee Activity:

Commerce & Labor: 2/22/96 [DP].

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 11 members: Representatives McMorris, Chairman; Hargrove, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith; Horn and Lisk.

Staff: Pam Madson (786-7166).

Background: The Consumer Product Safety Commission is directed by Congress to protect the public from unreasonable risks of injury or death from unsafe consumer products. With respect to infant cribs, the commission has adopted standards that apply to cribs manufactured since the 1970s. The commission may also issue safety alerts to inform consumers of hazards that exist from use of older cribs or cribs that have been altered.

The American Society for Testing Materials (ASTM) establishes new safety standards for a variety of products. ASTM has developed voluntary standards for full-size and nonfull-size baby cribs.

Washington has no law that deals specifically with infant crib safety.

California passed an infant crib safety law in 1994. Implementation is delayed for hotels and motels until 1998.

Summary of Bill: The Legislature finds that infants are injured or killed through the use of unsafe cribs.

Prohibited Activity

No commercial user may remanufacture, retrofit, sell, contract to sell or resell, lease, sublet, or otherwise place in the stream of commerce, a full-size or nonfull-size crib that is unsafe for an infant.

Commercial users include persons who deal in cribs or who, by their occupation, holds themselves out as having knowledge or skill particular to full- or nonfull-size cribs. Commercial users may be child care facilities or family child care homes licensed by the Department of Social and Health Services or persons in the business of remanufacturing, retrofitting, selling, leasing, or subletting full-size or nonfull-size cribs.

Unsafe Cribs

Any crib is presumed to be unsafe if it does not comply with federal regulations under the federal Consumer Product Safety Commission and the American Society for Testing Materials Voluntary Standards.

Additionally, unsafe cribs include those with any of the following characteristics:

- (1) corner posts that extend more than 1/16 inch;
- (2) spaces between side slats that are more than 2 and 3/8 inches;
- (3) mattresses that can easily be dislodged;
- (4) cutout designs located on the end panels;
- (5) rail heights that do not conform to rail height standards at the high and low points;
- (6) unsecured or loose screws, bolts, or other hardware;
- (7) sharp edges, points, or rough surfaces; and
- (8) for nonfull-sized cribs, torn mesh, or fabric on the sides of the crib.

Remedies and Penalties

After January 1, 1997, any commercial user who willfully and knowingly remanufactures, retrofits, sells, contracts to sell or resell, leases, sublets, or puts an unsafe crib in the stream of commerce is guilty of a misdemeanor and is subject to a fine of up to \$1,000.

Any person may bring suit for an injunction against a commercial user who remanufactures, retrofits, sells, contracts to sell or resell, leases, sublets, or otherwise

places in the stream of commerce, a full-size or nonfull-size crib that is unsafe for an infant.

Hotels, motels, and other transient lodging, child care facilities, and family child care homes are not subject to the penalties or civil law suits until January 1, 1999.

Antique or decorative cribs not intended to be used by infants and bearing a notice that they are not intended to be used by infants are excluded from provisions of the infant crib safety act.

The Legislature encourages public and private collaboration in disseminating materials on the safety of baby cribs, and intends that informational material on baby crib safety be available to consumers through the Department of Health.

Appropriation: None.

Fiscal Note: None.

Effective Date of Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill promotes infant safety. Approximately 57 infants die each year as a result of injury associated with the older cribs. These cribs are not covered by federal safety standards and voluntary industry standards. The resale or secondary market for cribs is beyond the reach of the federal standards and voluntary standards. Public and private efforts are encouraged to inform people about crib safety. Health departments and community-based organizations have been and will continue to educate the public on unsafe cribs.

Testimony Against: None.

Testified: Senator Jeanne Kohl; Representative John Pennington; Cynthia Shurtleff, Washington Chapter, American Academy of Pediatrics; Cindy Fredericks; John Lineweaver, The Danny Foundation; Jack Walsh, The Danny Foundation; and Cassie Sauer, Children's Alliance Health Coalition for Children and Youth.